

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

██████████  
██████████████████  
██████████████████

Reg. No.: 2013-48145  
Issue No.: 5016  
Case No.: ██████████  
Hearing Date: July 31, 2013  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, APW, and ██████████, APS.

**ISSUE**

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s)?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On April 25, 2013, Claimant applied for SER assistance with energy or utility service.
2. On May 1, 2013, the Department sent notice of the application approval to Claimant, indicating DHS payment and Claimant's required payment. (Exhibit 2)
3. Claimant did not pay her required payment
4. On May 15, 2013, the Department received Claimant's hearing request, protesting the SER denial.

### **CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Per ERM 302, the Department may pay up to \$175.00 per fiscal year for water/sewer/cooking gas. Per ERM 301, the Department may pay up to \$850.00 for electricity. Therefore, the Department was correct in its determination of how much it could pay for Claimant's requests. (See Exhibit 2) However, per ERM 301, payment cannot be approved up to the fiscal cap if the payment will not resolve the emergency. In the present case, payment up to the fiscal cap would not resolve the emergency, as the balance of the requested relief was higher than the fiscal cap. Claimant was therefore required to show proof that she or someone on her behalf had made her required payment prior to the Department issuing its payments on her behalf. Claimant testified at the hearing that she did not make her required payment. The Department was therefore correct in not issuing SER payment on behalf of Claimant.

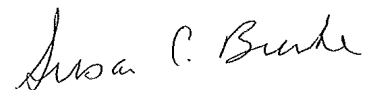
Claimant states that she had no income at the time of the application, and therefore was unable to make the required payments. This decision does not minimize the seriousness of Claimant's circumstances at the time of her application; rather this decision is based solely on Department policy with regard to SER.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department's determination not to make SER payments on behalf of Claimant was correct.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department did act properly.

Accordingly, the Department's decision is AFFIRMED for the reasons stated within the record.



**Susan C. Burke**

Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 29, 2013

Date Mailed: August 29, 2013

**NOTICE:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

SCB/tm

cc:

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[REDACTED]  
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